

# **WISHA REGIONAL DIRECTIVE**

**WISHA Services**

**Department of Labor and Industries**

## **7.30 Storing and Handling Flammable and Combustible Liquids and Spray Finishing Date: May 11, 2005**

### **I. Background**

WISHA enforces requirements for storing and handling flammable and combustible liquids and spray-finishing operations that are found in WAC 296-24-330, 296-24-370 and 296-62-11019. These requirements are based on 1970s era editions of two different NFPA standards, NFPA 30 Flammable and Combustible Liquids Code and NFPA 33 Standard for Spray Application Using Flammable or Combustible Materials. These sections from the Washington Administrative Code have not been updated since they were originally adopted.

WISHA's current standards conflict with provisions of the International Building Code (IBC), International Fire Code (IFC), the 2003 edition of the NFPA 30 and the 2003 edition of the NFPA 33. The IBC and the IFC are enforced by the State Fire Marshal and fire marshals at the local level.

### **II. Scope and Application**

This WISHA Regional Directive (WRD) provides guidance to WISHA enforcement and consultation staff conducting inspections involving storing and handling flammable liquids and spray-finishing operations. It updates the guidance from WRD 82-8 issued on April 7, 1982, which it replaces and rescinds. This WRD will remain in effect until the requirements for storing and handling flammable and combustible liquids and spray-finishing operations in WAC 296-24-330, 296-24-370 and WAC 296-62-11019 are updated.

### **III. Interpretive Guidance**

In a memorandum dated March 10, 1972, OSHA issued a policy statement that it was not their intent to preempt the state fire marshals, or their counterparts, where

*-- policy continues on reverse of page --*

there is an overlap of jurisdiction in workplaces due to their much broader goals. WISHA has followed this policy and will continue to follow this policy in regard to spray-finishing operations when the local jurisdiction:

- 1) Has an active program enforcing fire and building codes and/or the NFPA 30 and NFPA 33,

**AND**

- 2) The handling of flammable and combustible liquids or spray-finishing operation complies with the applicable requirements in the IBC, IFC, NFPA 30 or NFPA 33.

#### **IV. Special Inspection Protocols**

When WISHA consultation and compliance staff document a violation of WAC 296-24-330, 296-24-370 or 296-62-11019 and the violation would be allowed by either the IBC, IFC, the NFPA 30 or NFPA 33, the violation will be considered a *de minimis* violation of the code and will not be cited.

If the violation is not allowed by the IBC, IFC, the NFPA 30 or NFPA 33, the violation will be cited under the appropriate section from WAC 296-24-330, 296-24-370 or 296-62-11019.

Regional consultation and compliance supervisors will consult with WISHA Policy and Technical Services staff if they need assistance in determining whether or not the violation is addressed by the IBC, IFC, the NFPA 30 or NFPA 33.

Approved: \_\_\_\_\_  
Mel James, Acting Senior Program Manager  
WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360) 902-5503. You also may review policy information on the WISHA Website (<http://www.lni.wa.gov/Safety/>).